

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

QUINTIN J. MAYWEATHER-BROWN,

Plaintiff,

v.

CAUSE NO.: 3:18-CV-542-RLM-MGG

MARK SEVIER,

Defendant.

OPINION AND ORDER

Quintin J. Mayweather-Brown, a prisoner without a lawyer, filed this lawsuit without paying the filing fee. He has not filed a motion to proceed in forma pauperis, and, even if he had, he has accrued three strikes under the Prison Litigation Reform Act. See Mayweather-Brown v. Elkhart Co. Sheriffs Dept., 3:17-cv-178 (N.D. Ind. filed Feb. 28, 2017). Therefore, he can't proceed in forma pauperis, except for claims alleging that he is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g). To meet the imminent danger standard, the threat complained of must be real and proximate. Ciarpaglini v. Saini, 352 F.3d 328, 330 (7th Cir. 2003). Only "genuine emergencies" qualify as a basis for circumventing § 1915(g). Lewis v. Sullivan, 279 F.3d 526, 531 (7th Cir. 2002).

Mr. Mayweather-Brown alleges that he is in imminent danger due to the inadequate ventilation and extreme temperatures at the Westville Correctional Center. He says he has severe asthma and that the ventilation system isn't operating and needs to be cleaned. Mr. Mayweather-Brown plausibly alleges that he is in imminent danger.

Mr. Mayweather-Brown asks for numerous forms of injunctive relief. Though the requests do not seem unreasonable, “[t]he PLRA circumscribes the scope of the court’s authority to enter an injunction in the corrections context. Where prison conditions are found to violate federal rights, remedial injunctive relief must be narrowly drawn, extend no further than necessary to correct the violation of the Federal right, and use the least intrusive means necessary to correct the violation of the Federal right.” Westefer v. Neal, 682 F.3d 679 (7th Cir. 2012). Therefore, injunctive relief, if granted, will be limited to requiring correctional officials to house Mr. Mayweather-Brown under conditions which don’t violate his constitutional rights.

For these reasons, the court:

- (1) GRANTS Quintin J. Mayweather-Brown leave to proceed against Mark Sevier in his official capacity on an injunctive relief claim to house him under conditions that do not violate his constitutional rights;
- (2) DISMISSES all other claims;
- (3) DIRECTS the clerk and the United States Marshals Service to issue and serve process on Mark Sevier at the Indiana Department of Correction with a copy of this order and the complaint (ECF 1) as required by 28 U.S.C. § 1915(d); and
- (4) ORDERS Mark Sevier to file an affidavit or declaration addressing whether Quintin J. Mayweather-Brown’s housing conditions place him in imminent danger of physical harm or violate his constitutional rights by July 31, 2018.

SO ORDERED on July 19, 2018

/s/ Robert L. Miller, Jr.
JUDGE
UNITED STATES DISTRICT COURT